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SENATE BILL 396

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

INTRODUCED BY

Harold Pope, Jr.

AN ACT

RELATING TO CRIMES; ADDING WILDLAND TO THE CRIMES OF ARSON,
NEGLIGENT ARSON AND AGGRAVATED ARSON; ADDING PRIOR ARSON
CONVICTIONS AND USE OF FIRE ACCELERATOR DEVICES TO THE CRIME OF
AGGRAVATED ARSON; DEFINING "WILDLAND".

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 30-17-5 NMSA 1978 (being Laws 1970,
Chapter 39, Section 1, as amended) is amended to read:

"30-17-5. ARSON AND NEGLIGENT ARSON.--

A. Arson consists of a person maliciously or
willfully starting a fire or causing an explosion with the
purpose of destroying or damaging:

- (1) a building, occupied structure or property
of another person;
- (2) a bridge, utility line, fence or sign;

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1 ~~[or]~~

2 (3) any property, whether the person's own
3 property or the property of another person, to collect
4 insurance for the loss; or

5 (4) wildland.

6 B. Whoever commits arson when the damage is two
7 hundred fifty dollars (\$250) or less is guilty of a petty
8 misdemeanor.

9 C. Whoever commits arson when the damage is over
10 two hundred fifty dollars (\$250) but not more than five hundred
11 dollars (\$500) is guilty of a misdemeanor.

12 D. Whoever commits arson when the damage is over
13 five hundred dollars (\$500) but not more than two thousand five
14 hundred dollars (\$2,500) is guilty of a fourth degree felony.

15 E. Whoever commits arson when the damage is over
16 two thousand five hundred dollars (\$2,500) but not more than
17 twenty thousand dollars (\$20,000) is guilty of a third degree
18 felony.

19 F. Whoever commits arson when the damage is over
20 twenty thousand dollars (\$20,000) is guilty of a second degree
21 felony.

22 G. Negligent arson consists of a person recklessly
23 starting a fire or causing an explosion, whether on the
24 person's property or the property of another person, and
25 thereby directly:

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1 (1) causing the death or bodily injury of
2 another person; ~~[or]~~

3 (2) damaging or destroying a building or
4 occupied structure of another person; or

5 (3) damaging or destroying wildland.

6 H. Whoever commits negligent arson is guilty of a
7 fourth degree felony.

8 I. As used in this section:

9 (1) "occupied structure" includes a boat,
10 trailer, car, airplane, structure or place adapted for the
11 transportation or storage of property, for overnight
12 accommodations of persons or for carrying on business therein,
13 whether or not a person is actually present; and

14 (2) "wildland" means managed or unmanaged
15 forest, land in the wildland-urban interface, riparian areas,
16 pasture or range land, recreation land or any other land at
17 risk of wildfire."

18 SECTION 2. Section 30-17-6 NMSA 1978 (being Laws 1963,
19 Chapter 303, Section 17-6) is amended to read:

20 "30-17-6. AGGRAVATED ARSON.--Aggravated arson consists
21 of:

22 A. the ~~[wilful]~~ willful or malicious damaging by
23 any explosive substance or the ~~[wilful]~~ willful or malicious
24 setting fire to any bridge, aircraft, watercraft, vehicle, pipe
25 line, utility line, communication line or structure, railway

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1 structure, private or public building, dwelling or other
2 structure or wildland causing a person great bodily harm;

3 B. arson or negligent arson committed by a person
4 convicted of arson, negligent arson or aggravated arson within
5 the last ten years; or

6 C. the use of a device designed to accelerate the
7 fire or delay the fire's ignition.

8 Whoever commits aggravated arson is guilty of a second
9 degree felony."

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